

RECEIVED 04/26/2004 10:55 AM
MOUNT 100
SUMMONS ISSUED N/A
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. M
DATE 4-26-04

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABC MORTGAGE CORPORATION)
f/k/a JOHN G. MACLEOD d/b/a)
ABC MORTGAGE COMPANY)
Plaintiff,)
v.)
SCOTTSDALE INSURANCE)
COMPANY)
Defendant.)

Civil Action No.

04 CV 10816 MLW

MAGISTRATE JUDGE *Collings*

NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §1446(a), the defendant, Scottsdale Insurance Company (“Scottsdale”), hereby removes to this Court the state court action described below.

1. On or about March 29, 2004, the plaintiff, ABC Mortgage Corporation f/k/a John G. Macleod d/b/a ABC Mortgage Company (“ABC”), filed a Complaint and Jury Demand in the Superior Court of the Commonwealth of Massachusetts, entitled ABC Mortgage Corporation f/k/a John G. Macleod d/b/a ABC Mortgage Company v. Scottsdale Insurance Company, Civil Action No. NOCV2004-00558 (the “State Court Action”).

2. Plaintiff ABC made service on defendant Scottsdale, by certified mail, return receipt requested, dated April 6, 2004. The United States Postal Service green card was signed by Scottsdale on April 12, 2004.

3. Plaintiff ABC is a Massachusetts corporation with a principal place of business at 42 Holbrook Avenue, Braintree, Massachusetts.

4. Defendant Scottsdale is an Ohio corporation with a principal place of business at 8877 North Gainey Center Drive, Scottsdale, Arizona.

5. The State Court Action arises from an insurance coverage dispute between ABC and Scottsdale. ABC alleges that Scottsdale has a duty to defend and indemnify ABC in an underlying class action, based on the property damage provision of ABC's commercial general liability policy with Scottsdale.

6. Removal of this action is proper under 28 U.S.C. §1441(a). The United States District Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 because the plaintiff and defendant are diverse in citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs. ABC's Civil Action Cover Sheet states that, the total amount of damages are unknown, but the current amount of damages to date is approximately \$100,000.

7. This District Court embraces the State Court Action in which ABC and Scottsdale are parties.

8. No trial has occurred in the State Court Action.

9. The State Court Action does not fall within any class of actions which, under applicable rules, laws, or statutes, is prevented from or limited in the right of removal.

10. This Notice of Removal is filed within thirty days of notice upon Scottsdale of this action and thus is timely filed under 28 U.S.C. § 1446(b).

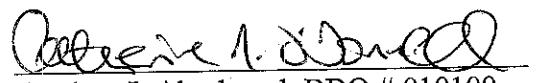
11. Pursuant to 28 U.S.C. §1446(d), notice of the filing of this Notice of Removal is being given to all parties in the State Court Action by filing a Notice of Filing Notice of Removal

of Action in Federal Court in the State Court Action and by service upon all parties in accordance with applicable law.

12. A copy of ABC's Complaint and Jury Demand is attached hereto at Exhibit A, a copy of the civil action cover sheet, summons, and return of service are attached hereto as Exhibit B, and a copy of the State Court Tracking Order is attached as Exhibit C.

13. Scottsdale reserves the right to raise all defenses and objections in this matter after the action is removed to this Court.

**DEFENDANT,
SCOTTSDALE INSURANCE COMPANY**
By its attorneys,

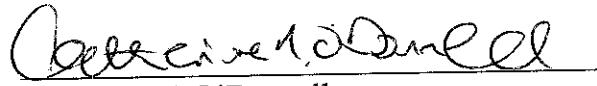

Stephen J. Abarbanel, BBO # 010100
Catherine N. O'Donnell, BBO # 634719
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108-4404
(617) 557-5900

Dated: April 26, 2004

CERTIFICATE OF SERVICE

I, Catherine N. O'Donnell, hereby certify that on this 26th day of April, 2004, I served a true copy of the foregoing document via first-class mail, postage prepaid, upon the following:

William D. Chapman
Keith L. Sachs
Melick, Porter & Shea, LLP
28 State Street
Boston, MA 02109


Catherine N. O'Donnell